

REMARKS

Claims 2-14, 16-20 and 22 are all the claims pending in the application. Claims 1, 15 and 21 were previously cancelled.

In the present Office Action, the Examiner maintains his position that Sinopoli discloses the claimed reinforcing layer. The Examiner cites col. 1, lines 10-15 of Sinopoli, in addition to previously cited col. 5, lines 7-10 of Sinopoli - page 3, line 5 of the present Office Action. However, the Examiner does not specifically respond to Applicants' argument in the May 12, 2003 Amendment that col. 5, lines 7-10 of Sinopoli actually requires the layer 17 to be beneath the top breaker (belt), which in Fig. 1 is the organic layer 14. By way of contrast, claim 2 specifically recites that the reinforcing layer (e.g., see element 7 in Fig. 7) is positioned between the tread (6) and the belt layer (3, 4). Attached hereto are highlighted versions of Fig. 1 of Sinopoli and Fig. 7 in the present application to more clearly illustrate the distinctions. The reinforcing layers are marked in pink, and the belt layers in green. Sinopoli is thus clearly different from claim 2, which requires the reinforcing layer to be positioned between the tread and the belt layer (the belt layer in Fig. 1 of Sinopoli being the layers 12 and 14 - see col. 3, lines 2 and 3, "...belts or breakers 22 comprising three

steel cord reinforced plies 12 and one organic polymer reinforced ply 14 disposed over the carcass ply 16 in a crown portion 24 of the tire...”).

As for the tensile stress relationship recited in claim 2, the Examiner seems to be specifically pointing to Koch’s high modulus composite 10 (see col. 4, lines 17-34). However, claim 2 recites the reinforcing layer as being “formed of rubber,” and further compares the tensile stress of the “rubber portion of the reinforcing layer to the tensile stress of the rubber of the tread.” By way of contrast, the Examiner is trying to compare the tensile stress of the composite material (which is not rubber) to the tensile stress of a rubber tread. However, that is not what is required by claim 2 and, thus, Koch is not relevant. Further, it would not have been obvious to make Sinopoli’s organic layer 17 (described as a “thick cushion compound” - see col. 5, lines 7-10) have a higher modulus based on Koch’s disclosure of a composite material, since the layers are completely different and made of different materials. It is clear then that the Examiner is relying on an impermissible use of hindsight in alleging that such a modification would have been suggested by the references.

In summary then, if Sinopoli could somehow be combined with Koch, the combination would not reach the structure recited in claim 2, since (1) Sinopoli’s organic layer (17) is structurally different from the reinforcing layer of the present

invention, and (2) Koch's modular composite layer (10) is made of a material that is completely different from that of the reinforcing layer of the present invention.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby earnestly solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

A Petition for Extension of Time of three months with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any overpayment to said Deposit Account.

Respectfully submitted,



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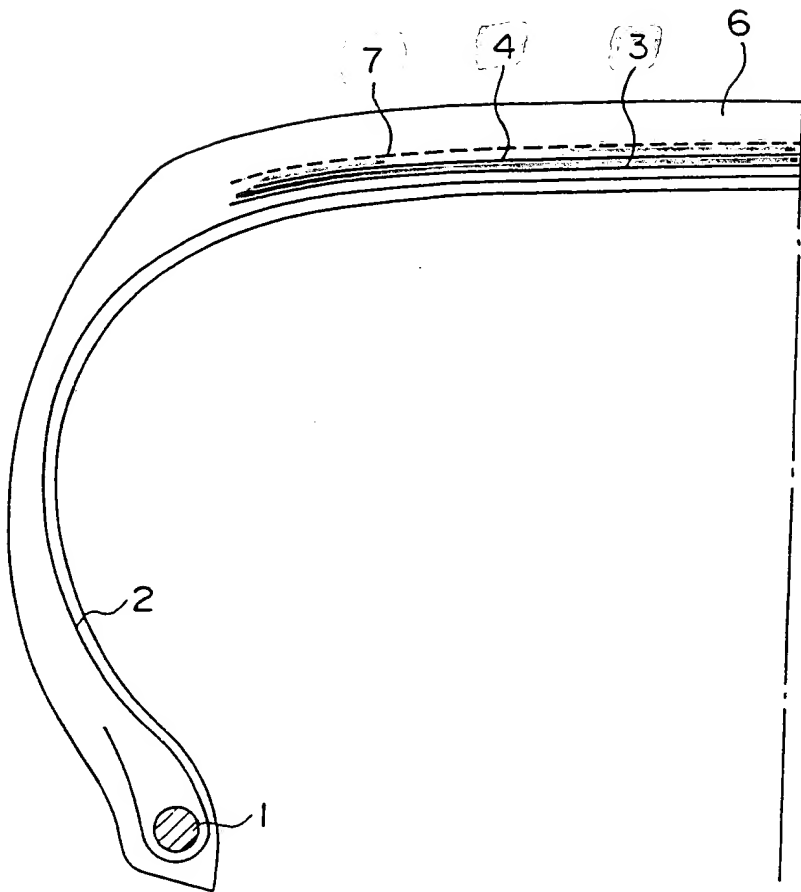
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CUSTOMER NUMBER

Date: January 20, 2004



FIG. 7



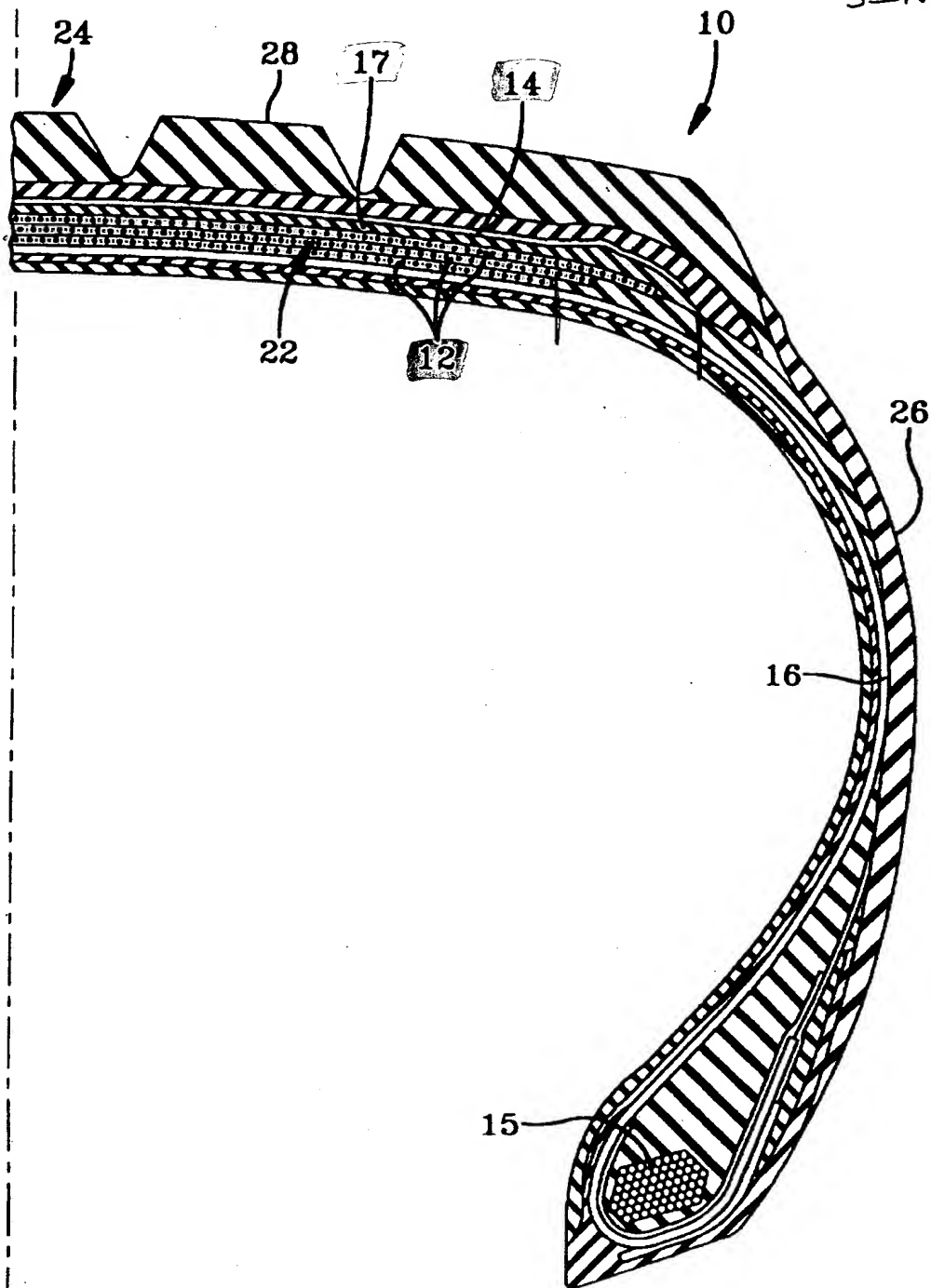


FIG-1